

ATTORNEY'S DOCKET NUMBER: 2003080-0089 (SK-744-CONS)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Danishefsky *et al.* Examiner: T. Solola  
Serial No.: 10/058,695 Art Unit: 1626  
Filing Date: January 28, 2002  
Title: SYNTHESIS OF EPOTHILONES, INTERMEDIATES THERETO,  
ANALOGUES AND USES THEREOF

Assistant Commissioner of Patents  
Washington, D.C. 20231

**TERMINAL DISCLAIMER**  
**(37 CFR 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, James S. Quirk,

(a) represent that I am

☐ an inventor of this invention.

☐ an assignee of this invention.

**WARNING:** "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.

☒ a representative authorized to sign on behalf of the assignee identified below.

**WARNING:** See the above "WARNING".

☐ the attorney of record for this invention.

**NOTE:** The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.

(if applicable)

The assignee is:

Name of assignee: Sloan-Kettering Institute for Cancer Research

Address of assignee: 1275 York Avenue, New York, New York 10021

Title of disclaimant authorized to sign on behalf of assignee: \_\_\_\_\_

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### Extent of Disclaimant's Interest

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

*(state the exact interest of the disclaimant)*

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### Recordal of Assignment in PTO

*(if applicable)*

☒ The assignment was recorded on: February 9, 1998 and June 4, 1998, in the grand-parent, U.S.S.N. 08/986,025, to the above-referenced patent application. The present application is a continuation of application U.S.S.N. 09/874,514, filed June 5, 2001, which is a continuation of U.S.S.N. 08/986,025, filed December 3, 1997, now issued as U.S. Patent 6,242,469.

Reel: 9008 and 9243

Frame: 0728 and 0239

- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or ☐ FORM PTO 1595 is also attached.

### Establishing Right of Assignee to Take Action

*(if applicable)*

- ☒ Attached is a CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.
- ☐ A CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to take action in this case was previously filed on:

### Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☐ United States Patent No. \_\_\_\_\_, as presently shortened by any terminal disclaimer,  
☒ Any patent granted on application number 09/808,451,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

- ☐ United States Patent No. \_\_\_\_\_,  
☒ Any patent granted on application number 09/808,451,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

- ☐ United States Patent No. \_\_\_\_\_, as presently shortened by any terminal disclaimer,  
☒ Any patent granted on application number 09/808,451,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Fee Status**  
(37 CFR 1.20(d))

- ☐ Other than a small entity—fee \$110.00  
☒ Small entity—fee \$55.00.

**Fee Payment**

- ☒ Attached is a check in the sum of \$55.00.  
☒ Charge Account 03-1721 for any fee deficiency.  
☐ Charge Deposit Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.


A duplicate of this disclaimer is attached.

### Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 1/27, 2003

  
James S. Quirk  
Senior Vice President  
Research Resources Management  
Sloan-Kettering Institute for Cancer Research

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231

on April 10, 2003  
